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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LEONARD ORVILLE FRANKLIN,	Case No. 3:15-cv-00381-MMD-VPC
Petitioner,	ORDER
v.	
STATE OF NEVADA, et al.,	
Respondents.	

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner. On March 9, 2017, this Court dismissed Grounds 4, 5, and 6 of the petition. (ECF No. 24). The Court also directed respondents to file an answer to the remaining grounds of the petition and directed petitioner to file a reply to the answer. (*Id.*)

Petitioner has filed a motion for the appointment of counsel. (ECF No. 25.) Petitioner has twice before sought the appointment of counsel in this case. (ECF Nos. 4 & 19.) There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). This Court has previously denied petitioner’s motions for the appointment of counsel, finding that the petition in this case is sufficiently clear in presenting the issues petitioner sought to bring and that the issues in this case are not complex. (ECF Nos. 7 & 24). In the present

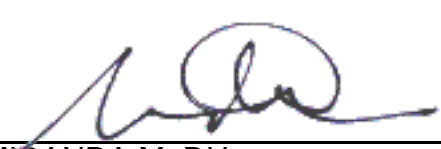
1 motion before the Court, petitioner claims that he “suffers from a mental disability for post-  
2 traumatic-stress-disorder (PTSD), which affects his ability to focus.” (ECF No. 25 at 2.)  
3 Petitioner’s prior motions seeking the appointment of counsel contain no allegations of a  
4 “mental disability” of any kind. (ECF Nos. 4 & 19.) Petitioner offers no showing of proof  
5 that he has PTSD or any sort of mental disability that would affect his ability to focus such  
6 that he cannot litigate this action. The Court takes judicial notice of the many motions and  
7 documents that petitioner has filed in this action, which belie his claim that he suffers a  
8 “mental disability.” The appointment of counsel is unwarranted in this case. Petitioner’s  
9 third motion for the appointment of counsel is denied.

10 Respondents have filed a motion seeking an extension of time, up to and including  
11 May 10, 2017, in which to file an answer. Good cause appearing, respondents’ motion for  
12 an extension of time is granted.

13 It is therefore ordered that petitioner’s third motion for the appointment of counsel  
14 (ECF No. 25) is denied.

15 It is further ordered that respondents’ motion for an extension of time (ECF No. 26)  
16 is granted. Respondents’ answer must be filed not later than May 10, 2017.

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18 DATED THIS 26<sup>th</sup> day of April 2016.

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21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
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